



PUBLIC NOTICE

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Monday February 11, 2008

ACTIONS TAKEN UNDER CABLE LANDING LICENSE ACT

Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 C.F.R. § 1.767(a))

By the Chief, Policy Division, International Bureau:

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this public notice.

This public notice serves as each cable landing licensee's Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Cable landing licensees should review carefully the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

The Commission most recently amended its rules applicable to submarine cable landing licenses in Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), 67 Fed. Reg. 1615 (Jan. 14, 2002). An updated version of sections 1.767 and 1.768 of the rules is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>. See also http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-598A1.pdf for a March 13, 2002 Public Notice; http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf for the December 14, 2001 Report and Order.

Submarine Cable Landing License

Grant of Authority

Date of Action: 02/08/2008

Acceptability for Filing Public Notice: The Application was placed on Public Notice on October 5, 2007. See Columbus Networks USA, Inc. Application for Authority to Land and Operate a Non-Common Carrier Fiber-Optic Submarine Cable System, the CFX-1 Cable System, between the United States, Columbia, and Jamaica, File No. SCL-LIC-20070516-00008, Public Notice, Non-Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00039NS (Int'l Bur., October 5, 2007). No oppositions or other comments were filed in response to the Public Notice. The Application has been coordinated with the Department of State and other relevant Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 C.F.R. § 1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, 51-52 (2001) (Submarine Cable Landing License Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, State Department Media Note (Revised) (rel. Dec. 20, 2001) available at <http://www.state.gov/r/pa/prs/ps/2001/6951.htm>. The Applicant and the Department of Homeland Security filed a Joint Petition to Adopt Conditions to the License on February 7, 2008.

Action Taken: Grant of Cable Landing License to Columbus Networks USA, Inc. for the purpose of landing and operating a non-common carrier fiber-optic submarine cable system, the CFX-1 Cable System, between the United States, Columbia, and Jamaica.

Licensee Information: Columbus Networks USA, Inc. is a wholly-owned, direct subsidiary of ARCOS-1 USA, Inc., a Delaware corporation. Columbus Networks USA and ARCOS-1 USA are wholly-owned, indirect subsidiaries of Columbus International, Inc., a Barbadian corporation, through a number of named intermediate subsidiaries all of which are organized in Barbados. The 10 percent or greater shareholders of Columbus International are: CFFI Ventures (Barbados) Inc. (47.5%), Barbados; CFFI Holdings SARL (47.5%), Luxembourg; Ironbound Holdings Capital Limited (47.5%), Canada; Ice can ab. (11.87%), Sweden; Glitnir hf. (11.87%), Iceland; Clearwater Fine Foods Incorporated (47.5%), Canada; Thornvale Holding Limited (47.5%), Canada; John Risley (47.5%), Canada; AIC (Barbados) Limited, (37.7%), Barbados; AIC Limited (37.7%), Barbados; Portland Holdings, Inc. (37.7%), Canada; and Michael Lee-Chin (37.5%), Jamaica.

Cable System Description: The CFX-1 cable system will be a non-common carrier fiber-optic submarine cable system, between the United States, Columbia, and Jamaica. The cable system will have landing stations in Boca Raton, Florida, Cartagena, Colombia, and Morant Bay, Jamaica, as well as a secondary landing point in Copa Club, Jamaica. The CFX-1 cable system will consist of one segment equipped with repeaters connecting Cartagena and Boca Raton. The system will also have a branch without repeaters connecting to Morant Bay.

Columbus Networks USA will own all of the wet-link segments between the United States, Colombia and Jamaica. Columbus Networks USA will also own and operate the landing station in Boca Raton, Florida. Columbus Networks de Colombia, an affiliate of Columbus Networks USA, will own and operate the landing station in Cartagena, Colombia. FibrLink Jamaica Ltd. will own and operate the landing station in Morant Bay, Jamaica, as well as the secondary landing point in Copa Club, Jamaica.

Cable Design and Capacity: The system will contain 2 fiber pairs in each undersea segment. Each local pair from Boca Raton to Morant Bay and from Morant Bay to Cartagena will initially be equipped with 1x10 Gbps of capacity. Each express fiber pair between Boca Raton and Cartagena will initially be equipped with 10x10 Gbps of capacity. Each fiber pair is designed to support 96x10 Gbps for a total segment capacity of 1920 Gbps.

Regulatory Status of Cable: Columbus Networks USA will operate the cable system on a non-common carrier basis. Columbus Networks USA states that there is sufficient existing or planned facilities on the route or on alternative routes to prevent it from exercising market power in offering services. It also states that capacity will not be sold indifferently to the user public, but will be assigned pursuant to individualized decisions and tailored arrangements based on the needs of the individual capacity purchaser. See Brief in Support of Operation as Non-Common Carrier Supplement to Pending Application, SCL-LIC-20070516-00008 (filed Sep. 26, 2007).

Applicant has provided information and demonstrated that the proposed operation of the cable on a non-common carrier basis satisfies the requirements set forth in National Association of Regulatory Utility Commissioners v. FCC, 525 F.2d 630, 642 (D.C. Cir 1976) (NARUC I), cert. denied, 425 U.S. 992 (1976). See also Submarine Cable Landing License Report and Order, 16 FCC Rcd at 22202-22203, 69-70; Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Notice of Proposed Rulemaking 15 FCC Rcd 20789, 20815-20818, 62-67.

Conditions and Requirements: Applicant shall comply with the routine conditions set out in section 1.767(g)(1)-(14) of the Commission's rules, 47 C.F.R. § 1.767(g)(1)-(14), and with the requirements of section 1.768 of the Commission's rules, 47 C.F.R. § 1.768 (notifications and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier).

We grant the Joint Petition to Adopt Conditions to the License (Petition) filed in this proceeding on February 7, 2008 by the Applicant and the Department of Homeland Security. Accordingly, we condition grant of this application on Columbus Networks USA, Inc. abiding by the commitments and undertakings contained in the Agreement reached between Columbus Networks USA, Inc. and the Department of Homeland Security dated January 30, 2008 (January 30 2008 Agreement). A copy of the Petition and the January 30 2008 Agreement are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-LIC-20070516-00008 and accessing "Other filings related to this application" from the Document Viewing area.

